

MANDATE

S.D.N.Y.-N.Y.C.  
07-cv-7652  
Wood, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 16th day of November, two thousand seven,

Present:

Hon. Robert A. Katzmann,  
Hon. Richard C. Wesley,  
*Circuit Judges.\**

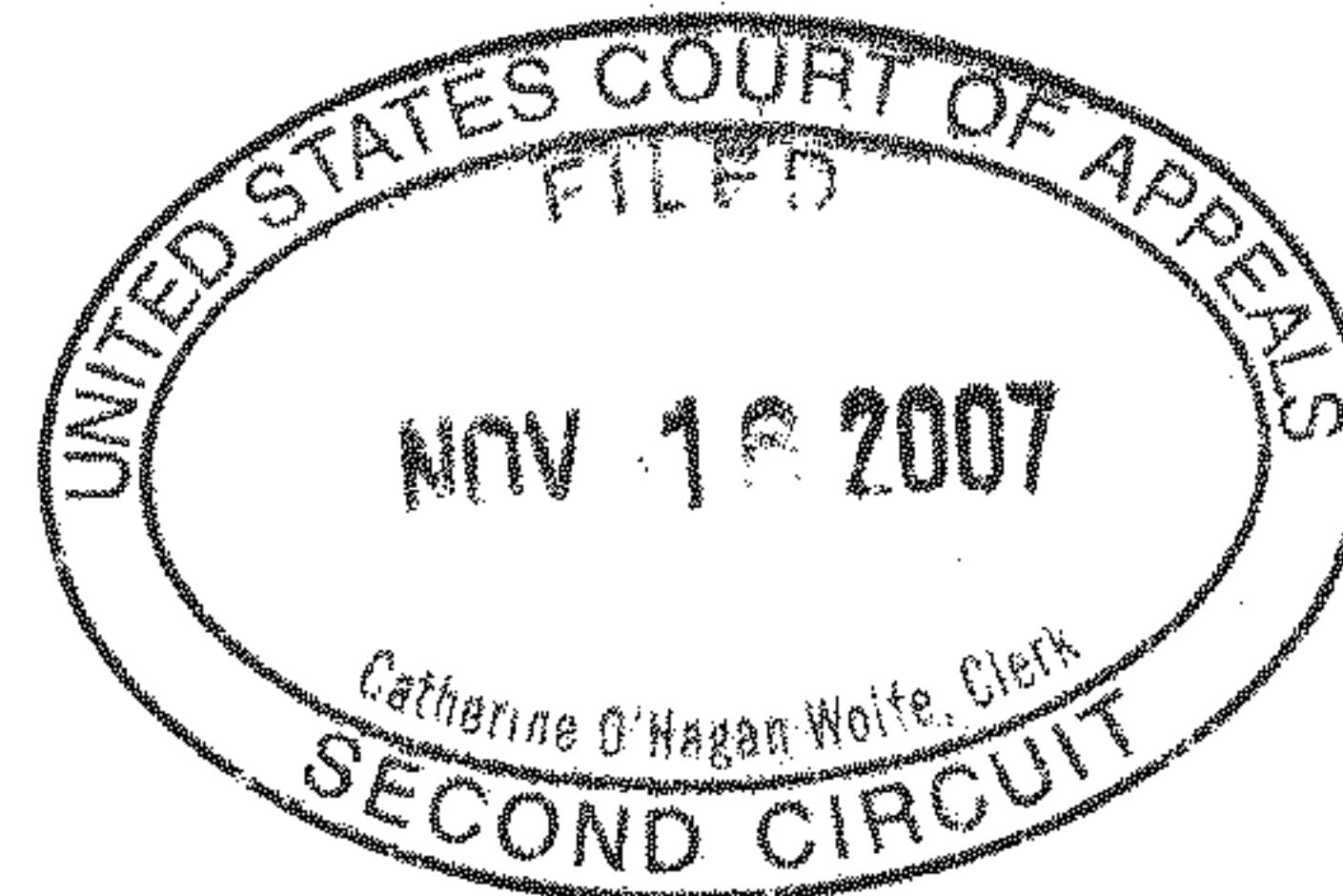
Vincent R. Terio,

*Plaintiff-Appellant,*

v.

Michael Johanns, Secretary of Agriculture, *et al.*,

*Defendants-Appellees.*



07-4218-cv

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is hereby ORDERED that the motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. See *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

NOV 16 2007

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The Honorable Thomas J. Meskill, who was a member of this panel, died prior to his decision on this motion, and the motion is being decided by the remaining two members of the panel, who are in agreement. See 2d Cir. Interim R. § 0.14(b).

by 

DEPUTY CLERK

ISSUED AS MANDATE:

12/18/07